

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JASON PATRICK PERSHALL,

Petitioner,

vs.

DAVID C. MILLER, et al.,

Respondents.

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NO. CIV-09-67-D

ORDER

Petitioner, a state inmate appearing *pro se*, brought this action for habeas relief pursuant to 28 U. S. C. § 2254. In accordance with 28 U. S. C. § 636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Bana Roberts for initial proceedings.

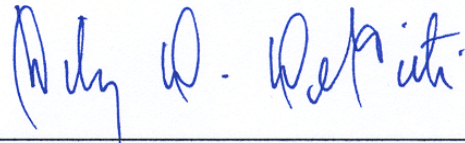
On November 24, 2010, the Magistrate Judge filed a Report and Recommendation [Doc. No. 18] in which she recommended that the petition be denied. In the Report and Recommendation, she advised Petitioner of his right to object to the findings and conclusions set forth therein, and she scheduled a December 11, 2010 deadline for filing objections. The Magistrate Judge also expressly cautioned Petitioner that his failure to timely object would constitute a waiver of the right to appellate review of the matters determined in the Report and Recommendation.

Petitioner requested an extension of time to December 31, 2010 to file objections to the Report and Recommendation; the Court granted that extension in its December 7, 2010 Order [Doc. No. 20]. Petitioner then requested an additional extension of time and, in its January 10, 2011 Order [Doc. No. 24], the Court extended the deadline for filing objections to January 20, 2011.

The last extended deadline for filing objections expired some time ago, and Petitioner has not filed an objection. Accordingly, the Report and Recommendation [Doc. No. 18] is adopted as

though fully set forth herein. For the reasons set forth in detail in the Report and Recommendation, the petition for habeas relief is denied. Judgment shall enter accordingly.

IT IS SO ORDERED this 14th day of February, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE